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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEN KACHUR,

Plaintiff,

vs.

NAV-LVH, LLC dba WESTGATE LAS
VEGAS RESORT & CASINO, a Nevada,
Limited Liability Company,

Defendant.

Case No.: 2:16-cv-02899

**STIPULATION TO REOPEN
DISCOVERY AND RESET PERTINENT
DEADLINES**

(FIFTH REQUEST)

Pursuant to Local Civil Rule 6-1(a), Defendant NAV-LVH LLC dba Westgate Las Vegas Resort & Casino ("Defendant") and Plaintiff Ken Kachur ("Plaintiff"), by and through their respective counsel of record, hereby request that this Court to reopen discovery, and reset pertinent deadlines, and stipulate as follows:

This request is made after the discovery period has closed, but is based on good cause. Further, neglect is not present, as this stipulated request is based on newly-discovered information, and therefore satisfies the burden of LR 26-4. This is the fifth request for an extension.

This stipulation is made and based upon the following factors:

To date, the parties have both made their initial disclosures to the other side. Defendant has propounded written discovery to Plaintiff, to which Plaintiff has responded. Plaintiff has also propounded written discovery to Defendant, which has been responded to. All depositions

mentioned in previous requests have been completed (with the limited exception of concluding the deposition of Westgate's security director, which has begun, but the parties have been unable to finalize due to conflicting schedules).

This request is based on newly-discovered information regarding Plaintiff's treating physicians. Defendants, and Plaintiffs' counsel, have just been informed that Plaintiff has been seeking ongoing treatment from a pain specialist, and this physician was not previously disclosed. Plaintiff's failure to disclose appears to be entirely inadvertent, however the parties agree that Westgate should be permitted to examine the records of this physician, and conduct any relevant discovery related thereto. The parties also have had difficulty retrieving records from Plaintiff's short-term disability provider, but as of 8/2/18, the provider has agreed to produce relevant records.

The parties and their attorneys have diligently worked to complete discovery as expediently as possible and will continue to try to complete the newly-discovered necessary discovery in as expedient a manner as possible.

Given the above circumstances, the parties request that the discovery period be extended as follows:

ACTIVITY	FORMER DATE	REQUESTED DATE
Discovery Cut-Off Date	07/19/18	10/19/18
Dispositive Motions	08/16/18	11/16/18
Pretrial Order	09/20/18	12/21/18 ¹

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¹ Or 30 days after the decision on the last dispositive motion.

1 In accordance with LR 26-4 the parties understand that any further requests for discovery
2 extensions must be made no later than twenty-one (21) days before the newly-proposed
3 discovery cut-off date of October 19, 2018 or no later than twenty-one (21) days before any other
4 deadline sought to be extended.

5 DATED this 7th day of August, 2018.

6 Law Offices of Michael P. Balaban

Greenspoon Marder LLP

7 */s/ Michael P. Balaban*

/s/ Phillip A. Silvestri

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13 Attorneys for Plaintiffs

Attorneys for Defendant

14 IT IS SO ORDERED

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UNITED STATES MAGISTRATE JUDGE

17 DATED: August 8, 2018